APPEAL NO. 022050
FILED SEPTEMBER 30, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on July 24, 2002. The hearing officer determined that the appellant's (claimant) injury extended to a hearing loss and cervical injury but not to a lumbar injury; that he did not have disability from his injury; and found that the respondent (carrier) was not discharged from liability because the claimant had given timely notice of injury to his employer. The claimant appeals the adverse determinations on disability and the lumbar injury as against the great weight of the evidence. The carrier seeks affirmance. There is no appeal of the timely notice finding or extent of the injury to a hearing loss and cervical injury.

DECISION

We affirm the hearing officer's decision.

On _____, the claimant, who was employed as a mechanic, was walking away from an area where another mechanic was working around flammable materials when an explosion occurred. The claimant was knocked forward around 20 feet, landing on his knees. There was evidence that he initially declined medical treatment and complained largely of ringing in his ears. On July 17, 2001, he went to his family doctor, complaining of neck pain and ringing and pain in his ears. However, the claimant continued to work; he said that he had just bought a house and did not want to be off work. The claimant was not actively treated for his injury from _____ until February 4, 2002. He agreed that he had a fall at home in January 2002, but said that only his ankle was injured. The claimant was taken off work by his new treating doctor on February 4, 2002, and that doctor referred him to an attorney. The treating doctor's notes indicated that the claimant had begun to experience low back pain a few days before his examination. The claimant testified that he could drive but would not be able to do lifting. There was some evidence offered that the claimant was informed in late January 2002 that the nature of his job was about to change, with the potential for less pay for some of his responsibilities.

There is support in the record for the hearing officer's determination of the extent of the injury that resulted from the _____, explosion. Although there is no requirement that an injury be the sole cause of the inability to work, as compared to other non-work related reasons, the hearing officer could consider that the claimant had been able to work for a number of months prior to February 4, 2002. A trier of fact is not required to accept a claimant's testimony at face value, even if not specifically contradicted by other evidence. Bullard v. Universal Underwriters Insurance Company, 609 S.W.2d 621 (Tex. Civ. App.-Amarillo 1980, no writ). The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because

different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). We cannot agree that the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e). Accordingly, we affirm the decision and order on the appealed issues.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.

_____
Susan M. Kelley
Appeals Judge

CONCUR:

_____
Elaine M. Chaney
Appeals Judge

_____
Thomas A. Knapp
Appeals Judge